

Senate File 78 - Reprinted

SENATE FILE _____
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SSB 1068)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to various conservation and recreation activities
2 under the purview of the department of natural resources,
3 modifying fees, making penalties applicable, and making an
4 appropriation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 455A.17, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Biennially, during even-numbered years, the director
1 4 shall schedule and make the necessary arrangements for an Iowa
1 5 congress on resources enhancement and protection. The
1 6 congress shall be held within the state capitol complex ~~during~~
~~1 7 the summer months.~~
1 8 Sec. 2. Section 462A.2, Code 2007, is amended by adding
1 9 the following new subsections:
1 10 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
1 11 factory=installed or dealer=installed emergency cut-off engine
1 12 stop switch that is installed on a personal watercraft.
1 13 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
1 14 cord used to attach the person of the operator of a personal
1 15 watercraft to the cut-off switch.
1 16 Sec. 3. Section 462A.5, subsection 1, unnumbered
1 17 paragraphs 1 and 2, Code 2007, are amended to read as follows:
1 18 The owner of each vessel required to be numbered by this
1 19 state shall register it every three years with the commission
~~1 20 through the county recorder of the county in which the owner~~
1 21 resides, or, if the owner is a nonresident, the owner shall
1 22 register it in the county in which such vessel is principally
1 23 used. The commission shall develop and maintain an electronic
~~1 24 system for the registration of vessels pursuant to this~~
~~1 25 chapter. The commission shall have supervisory responsibility~~
~~1 26 over the registration of all vessels and shall provide each~~
~~1 27 county recorder with registration establish forms and~~
1 28 certificates and shall allocate identification numbers to each
~~1 29 county procedures as necessary for the registration of all~~
~~1 30 vessels.~~
1 31 The owner of the vessel shall file an application for
1 32 registration with the appropriate county recorder on forms
1 33 provided by the commission. The application shall be
1 34 completed and signed by the owner of the vessel and shall be
1 35 accompanied by the appropriate fee, and the writing fee
2 1 specified in section 462A.53. Upon applying for registration,
2 2 the owner shall display a bill of sale, receipt, or other
2 3 satisfactory proof of ownership as provided by the rules of
2 4 the commission to the county recorder. If the county recorder
2 5 is not satisfied as to the ownership of the vessel or that
2 6 there are no undisclosed security interests in the vessel, the
2 7 county recorder may register the vessel but shall, as a
2 8 condition of issuing a registration certificate, require the
2 9 applicant to follow the procedure provided in section 462A.5A.
2 10 Upon receipt of the application in approved form accompanied
2 11 by the required fees, the county recorder shall enter it upon
2 12 the records of the recorder's office and shall issue to the
2 13 applicant a pocket-size registration certificate. The
2 14 certificate shall be executed in triplicate, one copy to be
2 15 delivered to the owner, one copy to the commission, and one

2 16 copy to be retained on file by the county recorder. The
2 17 registration certificate shall bear the number awarded to the
2 18 vessel, the passenger capacity of the vessel, and the name and
2 19 address of the owner. In the use of all vessels except
2 20 nonpowered sailboats, nonpowered canoes, and commercial
2 21 vessels, the registration certificate shall be carried either
2 22 in the vessel or on the person of the operator of the vessel
2 23 when in use. In the use of nonpowered sailboats, nonpowered
2 24 canoes, or commercial vessels, the registration certificate
2 25 may be kept on shore in accordance with rules adopted by the
2 26 commission. The operator shall exhibit the certificate to a
2 27 peace officer upon request or, when involved in ~~a collision or~~
2 28 ~~accident~~ an occurrence of any nature with another vessel or
2 29 other personal property, to the owner or operator of the other
2 30 vessel or personal property.

2 31 Sec. 4. Section 462A.5, subsection 3, unnumbered paragraph
2 32 2, Code 2007, is amended to read as follows:
2 33 Every registration certificate and number issued becomes
2 34 delinquent at midnight April 30 of the last calendar year of
2 35 the registration period unless terminated or discontinued in
3 1 accordance with this chapter. After January 1, 2007, an
3 2 unregistered vessel and a renewal of registration may be
3 3 registered for the three-year registration period beginning
3 4 May 1 of that year. When unregistered vessels are registered
3 5 after May 1 of the second year of the three-year registration
3 6 period, such unregistered vessels may be registered for the
3 7 remainder of the current registration period at ~~sixty-six~~
3 8 ~~percent two-thirds~~ of the appropriate registration fee. When
3 9 unregistered vessels are registered after May 1 of the third
3 10 year of the three-year registration period, such unregistered
3 11 vessels may be registered for the remainder of the current
3 12 registration period at ~~thirty-three percent~~ one-third of the
3 13 appropriate registration fee.

3 14 Sec. 5. Section 462A.7, Code 2007, is amended to read as
3 15 follows:
3 16 462A.7 ~~COLLISIONS, ACCIDENTS AND CASUALTIES~~ OCCURRENCES
3 17 INVOLVING VESSELS.

3 18 1. The operator of a vessel involved in ~~a collision,~~
3 19 ~~accident or other casualty~~ an occurrence that results in
3 20 personal property damage or the injury or death of a person,
3 21 shall, so far as possible without serious danger to the
3 22 operator's own vessel, crew, or passengers, render to other
3 23 persons affected by the ~~collision, accident or casualty,~~
3 24 occurrence such assistance as may be practicable and necessary
3 25 to save them from or minimize any danger caused by the
3 26 ~~collision, accident or other casualty~~ occurrence. The
3 27 operator shall also give the operator's name, address, and
3 28 identification of the operator's vessel in writing to any
3 29 person injured and to the owner of any property damaged in the
3 30 ~~collision, accident or other casualty~~ occurrence.

3 31 2. Whenever any vessel is involved in ~~a collision,~~
3 32 ~~accident or casualty~~ an occurrence that results in personal
3 33 property damage or the injury or death of a person, except one
3 34 which results only in property damage not exceeding ~~five~~
3 35 ~~hundred two thousand~~ dollars, a report ~~thereof of the~~
4 1 occurrence shall be filed with the commission. The report
4 2 shall be filed by the operator of the vessel and shall contain
4 3 such information as the commission may, by rule, require. The
4 4 report shall be submitted ~~without delay~~ within forty-eight
4 5 hours of the occurrence in cases that result in death, or
4 6 disappearance cases, or personal injuries requiring medical
4 7 treatment by a licensed health care provider, and within five
4 8 days of the occurrence in all other cases.

4 9 3. Every law enforcement officer who, in the regular
4 10 course of duty, investigates an occurrence which is required
4 11 to be reported by this section, shall, after completing such
4 12 investigation, forward a report of such occurrence to the
4 13 commission.

4 14 4. a. All reports shall be in writing. A vessel
4 15 operator's report shall be without prejudice to the person
4 16 making the report and shall be for the confidential use of the
4 17 department. However, upon request the department shall
4 18 disclose the identities of the persons on board the vessels
4 19 involved in the occurrence and their addresses. Upon request
4 20 of a person who made and filed a vessel operator's report, the
4 21 department shall provide a copy of the vessel operator's
4 22 report to the requester. A written vessel operator's report
4 23 filed with the department shall not be admissible in or used
4 24 in evidence in any civil or criminal action arising out of the
4 25 facts on which the report is based.

4 26 b. All written reports filed by law enforcement officers

4 27 as required under subsection 3 are confidential to the extent
4 28 provided in section 22.7, subsection 5, and section 622.11.
4 29 However, a completed law enforcement officer's report shall be
4 30 made available by the department or the investigating law
4 31 enforcement agency to any party to a ~~boating accident,~~
4 32 ~~collision, or other casualty an occurrence involving a vessel,~~
4 33 the party's insurance company or its agent, or the party's
4 34 attorney on written request and payment of a fee.

4 35 5. Failure of the operator of any vessel involved in a
5 1 ~~collision, accident, or other casualty, an occurrence~~ to offer
5 2 assistance and aid to other persons affected by such
5 3 ~~collision, accident, or casualty occurrence,~~ as set forth in
5 4 this chapter, or to otherwise comply with the requirements of
5 5 subsection 1, is punishable as follows:

5 6 a. In the event of a ~~collision, accident, or other~~
5 7 ~~casualty an occurrence~~ resulting only in property damage, the
5 8 operator is guilty upon conviction of a simple misdemeanor.

5 9 b. In the event of a ~~collision, accident, or other~~
5 10 ~~casualty an occurrence~~ resulting in an injury to a person, the
5 11 operator is guilty upon conviction of a serious misdemeanor.

5 12 c. In the event of a ~~collision, accident, or other~~
5 13 ~~casualty an occurrence~~ resulting in a serious injury to a
5 14 person, the operator is guilty upon conviction of an
5 15 aggravated misdemeanor.

5 16 d. In the event of a ~~collision, accident, or other~~
5 17 ~~casualty an occurrence~~ resulting in the death of a person, the
5 18 operator is guilty upon conviction of a class "D" felony.

5 19 Sec. 6. Section 462A.9, Code 2007, is amended by adding
5 20 the following new subsection:

5 21 NEW SUBSECTION. 12A. An owner of a personal watercraft
5 22 equipped with a cut-off switch shall maintain the cut-off
5 23 switch and the accompanying cut-off switch lanyard in an
5 24 operable, fully functional condition.

5 25 Sec. 7. Section 462A.12, Code 2007, is amended by adding
5 26 the following new subsection:

5 27 NEW SUBSECTION. 14. A person shall not operate a personal
5 28 watercraft that is equipped with a cut-off switch, at any
5 29 time, without first attaching the accompanying cut-off switch
5 30 lanyard to the operator's person while the engine is running
5 31 and the personal watercraft is in use.

5 32 Sec. 8. Section 462A.14A, subsection 3, paragraph b, Code
5 33 2007, is amended to read as follows:

5 34 b. The motorboat or sailboat has been involved in an
5 35 ~~accident or collision occurrence~~ resulting in personal injury
6 1 or death.

6 2 Sec. 9. Section 462A.23, subsection 2, paragraph c, Code
6 3 2007, is amended to read as follows:

6 4 c. Failure to stop and render aid as required by this
6 5 chapter when a ~~collision, accident or other casualty an~~
6 6 ~~occurrence involving a vessel~~ results in the death or personal
6 7 injury of another.

6 8 Sec. 10. NEW SECTION. 462A.34B ELUDING OR ATTEMPTING TO
6 9 ELUDE PURSUING LAW ENFORCEMENT VESSEL.

6 10 1. The operator of a vessel commits a serious misdemeanor
6 11 if the operator willfully fails to bring the vessel to a stop
6 12 or otherwise eludes or attempts to elude an authorized marked
6 13 law enforcement vessel operated by a uniformed peace officer
6 14 or by a water patrol officer of the department of natural
6 15 resources, after being given a visual and audible signal to
6 16 stop. The signals given by the officer shall be by displaying
6 17 a blue light or flashing blue and red lights and by sounding a
6 18 horn or siren.

6 19 2. The operator of a vessel commits an aggravated
6 20 misdemeanor if the operator willfully fails to bring the
6 21 vessel to a stop or otherwise eludes or attempts to elude an
6 22 authorized marked law enforcement vessel operated by a
6 23 uniformed peace officer or by a water patrol officer of the
6 24 department of natural resources, after being given a visual
6 25 and audible signal to stop as provided in this section and in
6 26 doing so exceeds a reasonable speed.

6 27 3. The operator of a vessel commits a class "D" felony if
6 28 the operator willfully fails to bring the vessel to a stop or
6 29 otherwise eludes or attempts to elude an authorized marked law
6 30 enforcement vessel operated by a uniformed peace officer or by
6 31 a water patrol officer of the department of natural resources,
6 32 after being given a visual and audible signal to stop as
6 33 provided in this section, and in doing so exceeds a reasonable
6 34 speed, and if any of the following occurs:

6 35 a. The operator is participating in a public offense, as
7 1 defined in section 702.13, that is a felony.

7 2 b. The operator is in violation of section 462A.14 or

7 3 124.401.
7 4 c. The offense results in bodily injury to a person other
7 5 than the operator.
7 6 Sec. 11. Section 462A.43, Code 2007, is amended to read as
7 7 follows:
7 8 462A.43 TRANSFER OF OWNERSHIP.
7 9 Upon the transfer of ownership of any vessel, the owner,
7 10 except as otherwise provided by this chapter, shall complete
7 11 the form on the back of the registration certificate and shall
7 12 deliver it to the purchaser or transferee at the time of
7 13 delivering the vessel. ~~All registrations must be valid for the~~
7 14 ~~current registration period prior to the transfer of any~~
7 15 ~~registration, including assignment to a dealer. If a vessel has~~
7 16 ~~an expired registration at the time of transfer, the~~
7 17 ~~transferee shall pay all applicable fees for the current~~
7 18 ~~registration period, the appropriate writing fee, and a~~
7 19 ~~penalty of five dollars, and a transfer of number shall be~~
7 20 ~~awarded in the same manner as provided for in an original~~
7 21 ~~registration. All penalties collected pursuant to this~~
7 22 ~~section shall be forwarded by the commission to the treasurer~~
7 23 ~~of state, who shall place the money in the state fish and game~~
7 24 ~~protection fund. The money so collected is appropriated to~~
7 25 ~~the commission solely for the administration and enforcement~~
7 26 ~~of navigation laws and water safety.~~
7 27 Sec. 12. Section 462A.84, subsection 3, Code 2007, is
7 28 amended by striking the subsection and inserting in lieu
7 29 thereof the following:
7 30 3. When a security interest is discharged, the secured
7 31 party shall note the cancellation of the security interest on
7 32 the face of the certificate of title and send the title by
7 33 first class mail to the office of the county recorder where
7 34 the title was issued, or the secured party shall send a
7 35 notarized letter by first class mail to the county recorder
8 1 where the title was issued notifying the county recorder of
8 2 the cancellation of the security interest. The county
8 3 recorder shall note the release of the security interest in
8 4 the county records as evidence of the release of the security
8 5 interest.
8 6 Sec. 13. Section 481A.55, subsection 1, Code 2007, is
8 7 amended to read as follows:
8 8 1. Except as otherwise provided, a person shall not buy or
8 9 sell, dead or alive, a bird or animal or any part of one which
8 10 is protected by this chapter, but this section does not apply
8 11 to fur-bearing animals, ~~bones of wild turkeys that were~~
8 12 ~~legally taken.~~ and the skins, plumage, and antlers of legally
8 13 taken game. This section does not prohibit the purchase of
8 14 jackrabbits from sources outside this state. A person shall
8 15 not purchase, sell, barter, or offer to purchase, sell, or
8 16 barter for millinery or ornamental use the feathers of
8 17 migratory game birds; and a person shall not purchase, sell,
8 18 barter, or offer to purchase, sell, or barter mounted
8 19 specimens of migratory game birds.
8 20 Sec. 14. Section 481A.123, Code 2007, is amended by adding
8 21 the following new subsection:
8 22 NEW SUBSECTION. 5. This section does not apply to the
8 23 discharge of a firearm on a farm unit by the owner or tenant
8 24 of the farm unit or by a family member of the owner or tenant
8 25 of the farm unit.
8 26 As used in this subsection, "family member", "farm unit",
8 27 "owner", and "tenant" mean the same as defined in section
8 28 483A.24, subsection 2.
8 29 Sec. 15. Section 481A.130, subsection 1, paragraph g, Code
8 30 2007, is amended to read as follows:
8 31 g. For each antlered deer, reimbursement shall be based on
8 32 the ~~point~~ score of the antlered deer as measured by the Boone
8 33 and Crockett club's ~~net~~ scoring system for whitetail deer as
8 34 follows:
8 35 (1) ~~150 points gross inches~~ or less: A minimum of two
9 1 thousand dollars and not more than five thousand dollars, and
9 2 eighty hours of community service or, in lieu of the community
9 3 service, a minimum of four thousand dollars and not more than
9 4 ten thousand dollars, in an amount that is deemed reasonable
9 5 by the court.
9 6 (2) More than 150 ~~points gross inches~~: A minimum of five
9 7 thousand dollars and not more than ten thousand dollars, and
9 8 eighty hours of community service or, in lieu of the community
9 9 service, a minimum of ten thousand dollars and not more than
9 10 twenty thousand dollars, in an amount that is deemed
9 11 reasonable by the court.
9 12 Sec. 16. Section 481A.133, Code 2007, is amended to read
9 13 as follows:

9 14 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
9 15 PERMITS.
9 16 A person who is assessed damages pursuant to section
9 17 481A.130 shall immediately surrender all licenses,
9 18 certificates, and permits to hunt, fish, or trap in the state
9 19 to the department. The licenses, permits, and certificates,
9 20 and the privileges associated with them shall remain suspended
9 21 until the assessed damages and any accrued interest are paid
9 22 ~~or a payment schedule is established by the court in full.~~
9 23 Upon payment of the assessed damages and any accrued interest,
9 24 the suspension shall be lifted. ~~If a payment schedule is~~
~~9 25 established, the suspension shall be lifted and remain so~~
~~9 26 unless the person fails to make a payment pursuant to that~~
~~9 27 schedule. Failure to make a payment shall cause the~~
~~9 28 suspension to be renewed. Interest shall begin to accrue as of~~
~~9 29 the date of judgment at a rate of ten percent per year.~~
9 30 Sec. 17. Section 483A.27, subsections 1 and 7, Code 2007,
9 31 are amended to read as follows:
9 32 1. A person born after January 1, ~~1967~~ 1972, shall not
9 33 obtain a hunting license unless the person has satisfactorily
9 34 completed a hunter safety and ethics education course approved
9 35 by the commission. A person who is eleven years of age or
10 1 more may enroll in an approved hunter safety and ethics
10 2 education course, but a person who is eleven years of age and
10 3 who has successfully completed the course shall be issued a
10 4 certificate of completion which becomes valid on the person's
10 5 twelfth birthday. A certificate of completion from an
10 6 approved hunter safety and ethics education course issued in
10 7 this state since 1960, by another state, or by a foreign
10 8 nation, is valid for the requirements of this section.
10 9 7. A hunting license obtained under this section by a
10 10 person who gave false information or presented a fraudulent
10 11 certificate of completion shall be revoked and a new hunting
10 12 license shall not be issued for at least two years from the
10 13 date of conviction. A hunting license obtained by a person
10 14 who was born after January 1, ~~1967~~ 1972, but has not
10 15 satisfactorily completed the hunter safety and ethics
10 16 education course or has not met the requirements established
10 17 by the commission, shall be revoked.
10 18 Sec. 18. Section 805.8B, subsection 1, paragraph b, Code
10 19 2007, is amended to read as follows:
10 20 b. For violations of registration, identification, and
10 21 record provisions under sections 462A.4 and 462A.10, and for
10 22 unused or improper or defective equipment under section
10 23 462A.9, subsections 2, 6, 7, 8, ~~12A~~, and 13, and section
10 24 462A.11, and for operation violations under sections 462A.26,
10 25 462A.31, and 462A.33, the scheduled fine is twenty dollars.
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